



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

March 22, 2018

Via Email and Certified Mail-Return Receipt Requested

[See List of Addressees Attached]

RE: Administrative Order for a Remedial Design Index No. CERCLA-02- 2018-2015;
New Cassel/Hicksville Groundwater Contamination Superfund Site, OU1

Dear Sir/Madam:

As you know, the U.S. Environmental Protection Agency ("EPA") has made numerous attempts over several years to enter into a settlement agreement with your clients regarding the New Cassel/Hicksville Groundwater Contamination Superfund Site in the Towns of Hempstead, North Hempstead, and Oyster Bay, Nassau County, New York ("Site"). These efforts initially sought to arrive at a settlement to perform a remedial design ("RD") at operable unit ("OU") 1 and a remedial investigation/feasibility study at OU 3, but the scope of the negotiations was thereafter reduced to just the OU1 RD, then to just the OU1 preliminary design investigation ("PDI") portion of the OU 1 RD. Lastly, we offered your clients the option to "cash out" and fund the OU 1 RD work. While some of your clients were willing to perform some work, or pay some amount of money, we were never able to reach an agreement that would result in the performance or funding of the work in a comprehensive and cohesive manner across all plume groups within OU1.

Thus, enclosed is Administrative Order for Remedial Design, Index No. CERCLA-02-2018-2015 ("Order"). The Order requires your clients to perform the RD for OU1. As indicated in Paragraph 46 of the Order, you may request a conference with EPA to discuss implementation of the work required under the Order within ten days of receipt of the Order. Pursuant to Paragraph 49 of the Order, you must notify EPA of your intent to comply with the Order within three days of the Effective Date of the Order, as this term is defined in the Order.

EPA hopes all parties will comply with this Order and that the work will be performed across all plume groups. However, if some parties decide not to comply with the Order resulting in an entire a plume being unaddressed, EPA anticipates taking over performance of the entire OU1 RD and, in its enforcement discretion, will consider its enforcement options regarding non-complying parties.

Should you wish to request a conference, please contact me at 212-637-3183.

Sincerely yours,

A handwritten signature in blue ink that reads "Sharon E. Kivowitz".

Sharon E. Kivowitz
Assistant Regional Counsel
Office of Regional Counsel

List of Addressees

101 Frost Street, LP and Next Millennium Realty, Inc.

c/o Kevin Maldonado, Esq.
Kevin Maldonado & Partners, LLC
5 Hickory Hill Road
Windham, NY 12496

101 Frost Street, LP and Next Millennium Realty, Inc.

c/o John Privitera
McNamee, Lochner, Titus & Williams, P.C
677 Broadway, #500
Albany, NY 12207

Syl Lamarca
570 Properties, Inc.
520 Main Street
Westbury, NY 11590

570 Properties, Inc.
c/o Debra Rothberg
Richman & Levine, PC
Suite 101
Garden city, NY 11530

Arkwin Industries, Inc.
c/o Suzanne Avena, Esq.
Garfunkel Wild, PC
111 Great Neck Road
Sixth Floor
Great Neck, NY 11021

Arkwin Industries, Inc.
c/o John Martin, Esq.
Garfunkel Wild, PC
111 Great Neck Road
Sixth Floor
Great Neck, NY 11021

Grand Machinery Exchange, Inc.

c/o Charlotte A. Biblow, Esq.
Farrell Fritz, P.C.
1320 RXR Plaza
Uniondale, NY 11556-1320

IMC Eastern Corp. (f/k/a IMC Magnetics Corp.)

c/o Robert R. Lucic, Esq.
Sheehan Phinney Bass & Green, P.A.
1000 Elm Street
P.O. Box 3701
Manchester, N.H. 03301-3701

Island Transportation Corp.

c/o Sheila Woolson, Esq.
Epstein Becker Green
One Gateway Center
Newark, NJ 07012-5311

Nest Equities, Inc. and Utility Manufacturing Co., Inc.

c/o Miriam E. Villani, Esq.
Sahn Ward Coschignano & Baker, PLLC
The Omni
333 Earle Ovington Boulevard, Suite 601
Uniondale, NY 11553

Tishcon Corporation and Patel Trust July 29, 1977

c/o Philip Landrigan, Esq.
McCarthy Fingar, LLP
11 Martine Avenue, 12th Floor
White Plains, NY 10606-1934

William Gross

c/o Peter C. Trimarchi, Esq.
Nixon Peabody, LLC
677 Broadway, 10th Floor
Albany, NY 12207-2996

**Atlas Graphics, Inc. and HDP Printing
Industries, Corp.**

c/o Theodore W. Firetog, Esq.
Law Offices of Theodore W. Firetog
111 Thomas Powell Boulevard
Farmingdale, NY 11735-2251

Barouh Eaton Allen, Corp.

c/o Thomas R. Smith, Esq.
Bond, Schoeneck & King
One Lincoln Center
Syracuse, NY 13202-1355

